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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIO GARCIA RUIZ; MARTHA
ELENA SALINAS-ESPINOLA,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 04-73752

Agency Nos. A79-270-981
A79-270-982

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted June 18, 2008**

Before: LEAVY, HAWKINS, and W. FLETCHER, Circuit Judges.

Mario Garcia Ruiz and his wife, natives and citizens of Mexico, petition for review of an order of the Board of Immigration Appeals (“BIA”) summarily

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

affirming an immigration judge's ("IJ") decision denying their application for cancellation of removal. We dismiss the petition for review.

We lack jurisdiction to review the IJ's determination that Garcia-Ruiz and Salinas-Espinola failed to show exceptional and extremely unusual hardship to a qualifying relative. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 929 (9th Cir. 2005). We do not consider petitioners' contentions regarding moral character, because their failure to establish hardship is dispositive.

We also lack jurisdiction to review the discretionary denial of Salinas-Espinola's request for voluntary departure. *See* 8 U.S.C. § 1229c(f); *see also Ramadan v. Gonzales*, 479 F.3d 646, 650-54 (9th Cir. 2007) (per curiam).

We further lack jurisdiction to review petitioners' contention that the IJ deprived them of due process by finding the female petitioner barred from establishing good moral character, because they failed to raise that issue before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004) (explaining that this court lacks jurisdiction to review contentions not raised before the agency).

PETITION FOR REVIEW DISMISSED.